THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.22118 of 1996

DATED: 02.08.2007

Between:

Narayanappa .. Petitioner

And

The Mandal Revenue Officer,
Sommanadapalli Mandalam,
Anantapur District .. Respondent

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.22118 of 1996

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondent in threatening the petitioner to dispossess him from the land measuring an extent of Ac.1.50 cents in Sy.No.239-1B of Edulabalapuram village, Somandapalli mandal, Anantapur District, as illegal and arbitrary, and consequently, direct the respondent not to dispossess without following the due process of law.

The main grievance of the petitioner is that he and his forefathers are in possession of the land to an extent of Ac.1.50 cents in Sy.No.239-1B at Edulabalapuram village, Somandapalli mandal, Anantapur District, for the last more than 70 years, and that now the respondent, without any authority and without following due process of law, is threatening to dispossess him from the land in question, and hence, he approached this Court and filed the present writ petition.

The learned counsel for the petitioner contended that even in the detailed counter affidavit filed on behalf of the respondent, no where it is stated that the respondent has initiated proceedings either under the Land Encroachment Act or any other relevant law in force.

Having heard the learned counsel for the petitioner and perused the facts and circumstances of the case, it is clear that the said action of the respondent is definitely arbitrary.

Accordingly, this writ petition is allowed and the respondent is hereby directed not to interfere with the petitioner's peaceful possession and enjoyment over the land in question without following due process under law.

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(GOPALA KRISHNA TAMADA,J)

Dt.02.08.2007
v v